

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 23, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-5, 9-17 and 19 are pending in the Application.

In the Final Office Action, claims 5, 9 and 12-15 are listed as rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed. Further, the rejection contains no statement as to why claim 5 is listed nor is an articulation of the rejection of claim 5 provided anywhere within the four corners of the Final Office Action. In fact, in a Response to Arguments section of the Final Office Action, it is indicated that "[t]he 112 rejections over claims 5, 8, 12-15, and 17 are withdrawn in light of applicant's amendments" and that only "[t]he 112 rejection over claim 9 is maintained." Accordingly, withdrawal of the rejection of claims 5 and 12-15 under 35 U.S.C. §112, first paragraph, should be withdrawn.

Regarding claim 9, Applicants respectfully traverse the

rejection and respectfully submit that the specification fully complies with the written description requirement, and reasonably conveys that the inventors, at the time of the application was filed, had possession of the claimed inventions, for at least the following reasons.

Regarding claim 9, the Final Office Action essentially states that there is no support in the present application for the claim feature "between 10 ...". Applicants respectfully disagree. Indeed, by the Examiner's own admission, the specification supports a range between 1 and 15 (see, Final Office Action, page 10). This admission alone provides a clear indication that there is support for "between 10 ...". Moreover, claim 9 as originally filed recites "the second layer is between 1 and 15 microns." In view of this disclosure, the rejection is seemingly not well-founded.

The MPEP in §2163.05 III is clear that any range limitation that is encompassed by an originally disclosed range, meets the written description requirement. As recognized by the Federal Circuit in the decision in (emphasis added) "In re Wertheim", 541 F.2d 257, 191 USPQ 90 (CCPA 1976), the Federal Circuit held that the ranges described in the original specification including a

range of "25%- 60%" supports a limitation of "between 35% and 60%" and therefore, did meet the description requirement." See, MPEP in §2163.05 III.

It is respectfully submitted that the range of "between 10 and about 15 μm in thickness" for the second layer as recited in claim 9 is within the range of "between 1 and 15 μm " and therefore as held by the Federal Circuit, meets the written description requirement. Further, it is respectfully submitted that the specification as submitted describes "the thickness of the Ludox layer was about 10 μm " (See, present application, page 4, line 25.) Accordingly, as recognized by the Federal Courts and the MPEP, an endpoint of between 10 ... is fully supported by the written description of the present application and in fact, is specifically recited in the specification as provided.

With further regard to claims 12 and 15 (and claims 13 and 14 by dependency), the Final Office Action states that "Applicants' amendments to independent claims 12 and 15 have not added any structural limitations to the claims." This interpretation of the claim language is respectfully traversed. However, in the interest of expediting consideration and allowance of the claims, the

Applicants have attempted to address the concerns raised in the Final Office Action.

In view of the above, Applicants respectfully submit that claims 9 and 12-15 are supported by the specification and comply with the written description requirements under 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, first paragraph is requested.

In the Final Office Action, claims 1-4, 8, 9-16 and 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,390,432 to Boulud ("Boulud I") in view of U.S. Patent No. 3,551,183 to Vondracek ("Vondracek"). Further, claims 1, 2, 5, 8-11, 16, 17 and 19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,684,539 to Boulud et al ("Boulud II") in view of U.S. Patent No. 5,060,406 to Verweij ("Verweij"). The rejections are respectfully traversed. It is respectfully submitted that claims 1-5, 9-17 and 19 are allowable over the cited references for at least the following reasons.

It is undisputed that Boulud I and Boulud II fail to disclose or suggest "wherein the second layer comprises inorganic particles, and wherein the inorganic particles include clay particles or Al_2O_3

particles" as recited in claim 1. See, Final Office Action, page 4 and page 7 continuing to page 8.

Each of Vondracek and Verweij are cited to cure the deficiencies in each of Boulud I and Boulud II, however, it is respectfully submitted that reliance on either of Vondracek and Verweij is misplaced.

It is respectfully submitted Boulud I in view of Vondracek and Boulud II in view of Verweij does not disclose or suggest, a coating for an interior surface of a steam-generating device that amongst other patentable elements, comprises (illustrative emphasis provided) "a first layer deposited on the interior surface of the steam-generating device and a second layer deposited over the first layer, wherein the first layer is essentially impermeable to water and is thermally insulating and the second layer is hydrophilic, wherein the second layer comprises inorganic particles, and wherein the inorganic particles include clay particles or Al₂O₃ particles" as recited in independent claim 1.

The Final Office Action states that "[i]t would have been obvious to a routineer in the art to add alumina to the sodium silicate second coating of Bouloud, in order to increase the

strength of the coatings and to decrease water solubility, and in the case of clays, to aid in the deposition of coating sodium silicate as is known in the art." Vondracek is cited in support of this position on page 4 of the Final Office Action and Verweij is cited in support of this position on page 8 of the Final Office Action.

However, both Vondracek and Verweij describe a single layer for a steam iron and not a second layer that is deposited over a first layer that is essentially impermeable to water and is thermally insulating as recited in the claims.

As a person of ordinary skill in the art of layer deposition would readily appreciate, a teaching of depositing a layer onto a chamber surface as taught by Vondracek (see, Vondracek, Col. 3, lines 32-34) or a applying of a layer to an aluminum steam chamber as taught by Verweij (see, Verweij, Col. 3, lines 31-32) can not be readily applied to an application of that same layer over another layer. It is respectfully submitted that one would not be motivated by the teachings of the references, such as Verweij which describes that "the mutual bond of the suspension particles and the adherence to the aluminum bottom of the steam chamber are enhanced

because the acid $\text{H}_2\text{PO}_4^{2-}$ ions react both with metals and oxides until stable" to overlies this layer over other than the aluminum steam chamber since clearly, no such benefit would be derived if the layers of Vondracek or Verweij were applied over a further layer.

Accordingly, the motivation cited in the Final Office Action, namely to increase strength in the coating is not achieved when the coating is applied over a further coating.

Further, the Final Office Action states that "Verweij is used as a teaching reference to show that phosphate acid treatments may comprise silica or alumina particles, thereby establishing a functional equivalency between silica particles and alumina particles." However, it is respectfully submitted that Verweij does not establish any such equivalency and in fact states that "[t]he known steam chamber coating [composed of a silicate layer] exhibited a strong degree of flaking after the test whereas the steam chamber coating according to the invention [of Verweij wherein alumina particles are bonded directly to the steam chamber] was unaffected." (See, Verweij, Col. 3, lines 40-52, Col. 4, lines 10-15 and lines 23-26.) Accordingly, Verweij provides no support

that silica or alumina particles are functional equivalents and in fact directly disputes this position.

The Final Office Action also states that "Applicant never argues the Examiner's position on the combination of the references and, accordingly, has failed to demonstrate patentability of the present claims."

The Applicants in fact dispute the references in combination as provided in the Final Office Action however, address what the Final Office Action alleges is shown taught by the references individually to dispute the conclusions of the Final Office Action. The Applicants never argue that each of the references do not show each of the features of the claims since the rejection in the Final Office Action is clearly based on the combination of references.

Nonetheless, it is respectfully submitted that neither of the combination of Boulud I in view of Vondracek nor Boulud II in view of Verweij disclose or suggest, a coating for an interior surface of a steam-generating device that amongst other patentable elements, comprises (illustrative emphasis provided) "a first layer deposited on the interior surface of the steam-generating device and a second layer deposited over the first layer, wherein the

first layer is essentially impermeable to water and is thermally insulating and the second layer is hydrophilic, wherein the second layer comprises inorganic particles, and wherein the inorganic particles include clay particles or Al₂O₃ particles" as recited in claim 1. In fact, both of Vondracek and Verweij cited in the Final Office Action teach deposition of a layer directly on the interior surface of the steam generating device and not as a second layer. Further, neither of Vondracek nor Verweij teach that the materials of the second layer of either of Boulud I or Boulud II are functionally equivalent to the layer of Vondracek and Verweij, and therefore, it is respectfully submitted that the substitution suggested by the Final Office Action may only be arrived at through a use of impermissible hindsight reconstruction which is strictly prohibited.

Further, it is respectfully submitted that Boulud I in view of Vondracek and Boulud II in view of Verweij does not disclose or suggest, a coating for an interior surface of a steam-generating device that amongst other patentable elements, comprises (illustrative emphasis provided) "a first layer deposited on the interior surface of the steam-generating device and a second layer

deposited over the first layer, wherein the first layer is essentially impermeable to water and is thermally insulating and the second layer is hydrophilic, wherein a composition of the first layer and the second layer is similar yet have different binder to filler ratios or have different filler particle sizes for each of the first and second layers" as recited in claim 12 and as similarly recited in claim 15.

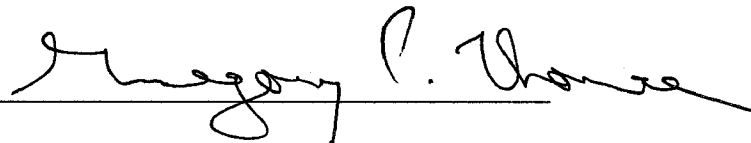
Based on the foregoing, Applicants respectfully submit that independent claims 1, 12 and 15 are allowable over Boulud I in view of Vondracek and Boulud II in view of Verweij, and notice to this effect is earnestly solicited. Claims 2, 4-5, and 9-11 depend from claim 1, claims 13 and 14 depend from claim 12, and claims 16, 17 and 19 depend from claim 15 and, accordingly, are allowable over the cited art of record for at least the same reasons as claims 1, 12 and 15, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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June 23, 2009

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